

CHAPTER 6 CONTINUING EDUCATION

193F—6.1(272C,543D) Definitions. For the purpose of these rules, the following definitions shall apply:

“Approved program” means a continuing education program, course, or activity which satisfies the standards set forth in these rules and has received advanced approval of the board pursuant to these rules.

“Approved provider” means a person or an organization that has been approved by the board to conduct continuing education programs pursuant to these rules.

“Board” means the Iowa real estate appraiser examining board.

“Certificate holder” means any person holding an Iowa real estate appraiser certificate.

“Continuing education” means education which is obtained by a person licensed or certified to practice real estate appraising in order to maintain, improve, or expand skills and knowledge obtained prior to initial licensure or certification, or to develop new and relevant skills and knowledge, all as a condition of certification renewal.

“Credit hour” means the value assigned by the board to a continuing education program.

“Guest speaker” means an individual who teaches an appraisal education program on a one-time-only or very limited basis and who possesses a unique depth of knowledge and experience in the subject matter.

“Home-study/correspondence program” means a computer-generated program, such as CD-ROM, or written materials or exercises intended for self-study, which does not include simultaneous interaction with an instructor but does include tests transmitted to the provider for review and grading.

“Hour” means 50 minutes of instruction.

“Live instruction” means an educational program delivered in a classroom setting or through video conferencing whereby the instructor and student carry out their essential tasks while together.

193F—6.2(272C,543D) Continuing education requirements. Certified, licensed and associate real estate appraisers must demonstrate compliance with the following continuing education rules as a condition of biennial renewal.

6.2(1) As a condition of biennial renewal, certified, licensed and associate real estate appraisers must demonstrate compliance with all of the following requirements:

a. A minimum of 28 credit hours in approved continuing education programs acquired during the two-year renewal period. Carryover hours from a previous renewal period are not allowed.

b. A minimum of 14 of the required 28 credit hours must directly involve one or more of the following topics: real estate appraisal law and rules, report writing, cost approach, sales approach, income approach and USPAP.

c. A minimum of 3 of the required 28 credit hours must involve USPAP.

6.2(2) A maximum of 14 of the required 28 credit hours may be acquired in approved home-study/correspondence programs.

6.2(3) A maximum of 14 of the required 28 credit hours may be claimed by an instructor for teaching one or more approved continuing education programs in an amount equal to the credit hours approved for attendees. Instructors may only seek credit hours once for each separate program.

6.2(4) A maximum of 7 of the required 28 credit hours may be claimed for published articles and books, provided the board determines such activity has contributed to the professional competence of the applicant.

6.2(5) Applicants seeking to renew an initial certificate or license issued less than two years but more than one year prior to renewal must demonstrate completion of at least 14 credit hours, including at least 3 credit hours of USPAP.

6.2(6) Applicants who have allowed their certificates or licenses to lapse shall make the same showing as prescribed in subrule 6.2(1).

6.2(7) During each two-year renewal period, a continuing education program may be taken for credit only once. A program may be repeated for credit only if the program numbers and instructors are different.

6.2(8) Successful completion of a continuing education program requires full-time attendance. Continuing education credits shall not be granted to attendees who arrive late, leave early, or leave during the program.

6.2(9) Applicants may claim continuing education credits earned in a state which has a continuing education requirement for renewal of a real estate appraisal certificate or license if the program is approved by the appraisal certification board of that state or the appraisal foundation for continuing education purposes. All other programs must be approved upon application to the board pursuant to rules 6.6(272C,543D), 6.8(272C,543D) and 6.9(272C,543D).

6.2(10) A person licensed or certified to practice real estate appraising in Iowa shall be deemed to have complied with Iowa's continuing education requirements during periods that the person serves honorably on active duty in the military service, or for periods that the person is a resident of another state or district having continuing education requirements for real estate appraising and meets all requirements of that state or district, or for periods that the person is a government employee working in real estate appraising and assigned to duty outside the United States.

193F—6.3(272C,543D) Hardship and disability provisions.

6.3(1) The board may, in individual cases involving undue hardship caused by reasons including, but not limited to, illness, disability, or retirement, grant waivers, modifications or extensions of time within which to fulfill the continuing education requirements in rule 6.2(272C,543D). No waiver or extension of time shall be granted except upon written application to the board specifying and verifying the grounds of the request and attaching confirmation by an attending physician where applicable. The board may, as a condition of granting a waiver or extension of time, require the applicant to make up all or a certain portion of the minimum requirements by such methods or on such terms as the board may prescribe.

6.3(2) An applicant seeking a waiver, modification, extension of time or other form of reasonable accommodation due to a disability, as defined in the Americans with Disabilities Act, must include an attending physician's verification of the disability and a detailed description of the type of accommodation requested.

193F—6.4(272C,543D) Minimum program qualifications.

6.4(1) Continuing education programs, as a condition of board approval, must provide a formal program of learning which contributes to the growth in the professional knowledge and professional competence of real estate appraisers.

6.4(2) Programs dealing with the following subject areas will generally be acceptable:

- a.* Ad valorem taxation;
- b.* Agriculture production and economics;
- c.* Agronomy/soil;
- d.* Arbitrations;
- e.* Business courses related to the practice of real estate appraisal;
- f.* Construction estimating;
- g.* Cost approach;
- h.* Ethics and standards of professional practice;
- i.* Income approach;
- j.* Land use planning, zoning and taxation;
- k.* Litigation;
- l.* Management, leasing, brokerage time-sharing;
- m.* Property development;
- n.* Real estate appraisal law and rules;
- o.* Real estate appraisal (valuations/evaluations);
- p.* Real estate law;
- q.* Real estate financing and investment;
- r.* Real estate appraisal-related computer applications;
- s.* Real estate securities and syndication;
- t.* Real property exchange;
- u.* Production economics;
- v.* Sales approach;
- w.* USPAP.

6.4(3) The following programs will not be acceptable:

- a.* Courses of instruction designed to prepare a student for passing the real estate appraisal certification examination.
- b.* Programs in mechanical office and business or managerial skills, such as typing, speed-reading, and keypunch.
- c.* Sales promotion or other meetings held in conjunction with the appraiser's general business.
- d.* Time devoted to breakfast, lunch or dinner.
- e.* A program certified by the use of a challenge examination. The required number of hours must be completed to receive credit hours.
- f.* Meetings which are a normal part of the in-house staff or employee training.
- g.* Home-study/correspondence programs which are not tested and successfully completed.
- h.* Programs which do not provide at least three credit hours.

6.4(4) Continuing education credit will only be granted for whole hours, with a minimum of 50 minutes constituting one hour. For example, 100 minutes of continuous instruction would count as two credit hours; however, more than 50 minutes but less than 100 minutes of continuous instruction would only count as one hour.

6.4(5) Continuing education credit may be approved for university or college courses in qualifying topics according to the following formula: Each semester hour of credit shall equal 15 credit hours and each quarter hour of credit shall equal 10 credit hours.

193F—6.5(272C,543D) Standards for provider and program approval. Providers and programs must satisfy the following minimum standards in order to be preapproved in accordance with the procedures established in rule 6.6(272C,543D), and in order to maintain approval status.

6.5(1) The program must meet the minimum qualifications described in rule 6.4(272C,543D).

6.5(2) The program must be taught or developed by individuals who have the education, training and experience to be considered experts in the subject matter of the program and competent in the use of teaching methods appropriate to the program.

6.5(3) Live instruction programs must be taught by instructors who have successfully completed an instructor development workshop within 24 months preceding board approval of the program.

6.5(4) In determining whether an instructor is qualified to teach a particular program, the board will consider whether the instructor has an ability to teach and an in-depth knowledge of the subject matter.

6.5(5) An instructor's ability to teach may be shown by meeting one or more of the following criteria:

a. A bachelor's degree or higher in education from an accredited college (attach a copy of transcripts), or

b. A current teaching credential or certificate in any field (attach copy), or

c. A certificate of completion from an instructor institute, workshop or school that is sponsored by a member of the appraisal foundation in the area of instruction (detail specific teaching experiences), or

d. A full-time current appointment to the faculty of an accredited college, or

e. Other, as the board may determine.

6.5(6) An instructor's in-depth knowledge of the program's subject matter may be shown by meeting one or more of the following criteria:

a. A bachelor's degree or higher from an accredited college with a major in a field of study directly related to the subject matter of the course the instructor proposes to teach; such as business, economics, accounting, real estate or finance (attach copy of transcript), or

b. A bachelor's degree or higher from an accredited college and five years of appraisal experience related to the subject matter of the course the instructor proposes to teach (attach copy of transcript and document how the instructor's experience is related to the subject matter the instructor proposes to teach), or

c. A qualified professional with a generally recognized professional real property appraisal designation or sponsor member of the appraisal foundation, or

d. Other, as the board may determine.

6.5(7) Course content and materials must be accurate, consistent with currently accepted standards relating to the program's subject matter and updated no later than 30 days after the effective date of a change in standards, laws or rules.

6.5(8) Programs must have an appropriate means of written evaluation by participants. Evaluations shall include the relevance of the materials, effectiveness of presentation, content, facilities, and such additional features as are appropriate to the nature of the program.

6.5(9) Programs shall not be used to advertise or solicit orally or in writing any product or service.

6.5(10) Providers must clearly inform prospective participants of the number of credit hours preapproved by the board for each program, and all applicable policies concerning registration, payment, refunds, attendance requirements and examination grading.

6.5(11) Procedures must be in place to monitor whether the person receiving credit hours is the person who attended or completed the program.

6.5(12) Providers must be accessible to students during normal business hours to answer questions and provide assistance as necessary.

6.5(13) Providers must comply with or demonstrate exemption from the provisions of Iowa Code sections 714.14 to 714.25.

6.5(14) Providers must designate a coordinator in responsible charge of each program who will act as the board's contact on all compliance issues.

6.5(15) Programs shall not offer more than eight credit hours in a single day.

6.5(16) Providers shall not provide any information to the board, the public or prospective students which is misleading in nature. For example, providers may not refer to themselves as a "college" or "university" unless qualified as such under Iowa law.

6.5(17) Providers must establish and maintain for a period of five years complete and detailed records on the programs successfully attended by each Iowa participant.

6.5(18) Providers must issue an individual certificate of attendance to each participant upon successful completion of the program. The certificate must be no larger than $8\frac{1}{2}'' \times 11''$ and must include the provider name and number, program name and number, name of attendee, date program was completed, number of approved credit hours, and the signature of the coordinator or other person authorized by the board.

6.5(19) Program providers and instructors are solely responsible for the accuracy of all program materials, instruction and examinations. Board approval of a provider or program is not an assurance or warranty of accuracy and shall not be explicitly or implicitly marketed or advertised as such.

193F—6.6(272C,543D) Applications for approval of providers and programs. Applications for approval of providers and programs must be submitted on forms prescribed by the board. Board approval is effective for 24 months, including the month of approval.

6.6(1) Approval must be obtained for each program separately.

6.6(2) A nonrefundable fee of \$50 must be submitted for each program.

6.6(3) All required forms and attachments must be submitted for approval at least 45 days prior to the first offering of each program. The board will approve or deny each program, in whole or part, within 21 days of the date it receives the fee and fully completed application.

6.6(4) Application forms will request information including, but not limited to, the following:

- a.* Program description;
- b.* Program purpose;
- c.* Difficulty level;
- d.* Learning objectives for each major topic that specify the level of knowledge or competency the student should demonstrate upon completing the program;
- e.* Description of the instructional methods utilized to accomplish the learning objective;
- f.* Identifying information for all guest speakers or instructors and such documentation as is necessary to verify compliance with the instructor qualifications described in rule 6.5(272C,543D);
- g.* Copies of all instructor and student program materials;
- h.* Copies of all examinations and a description of all grading procedures;
- i.* A description of the diagnostic assessment method(s) used when examinations are not given;

- j.* Copies of prospective brochures or narrative descriptions of the program as will be advertised to prospective students;
- k.* Such information as needed to verify compliance with board rules;
- l.* The name, address, telephone number, fax number and E-mail address for the program's coordinator; and
- m.* Such other information as the board deems reasonably needed for informed decision making.

6.6(5) The board shall assign each provider and program a number. This number shall be placed on all correspondence with the board, all subsequent applications by the same provider, and all certificates of attendance issued to participants.

193F—6.7(272C,543D) Waiver of application fees. Application fees may be waived for approved programs sponsored by a federal, state, or local governmental agency, when the program is offered at no cost or at a nominal cost to participants. A request for waiver of application fees should be made by the provider or certificate holder at the time the application is filed with the board.

193F—6.8(272C,543D) Continuing education committee. Upon majority vote of the board, the board chair will appoint, on an annual basis, a continuing education committee to approve or deny, in whole or part, applications for provider and program approval, hardship and disability applications, pursuant to rule 6.3(272C,543D), and credits claimed by appraisers on certification renewal forms. The committee shall be comprised of three members of the board, at least two of whom are professional board members.

193F—6.9(272C,543D) Certificate holder requests for preapproval of continuing education programs. A certificate holder seeking credit for attendance and participation in a program which is to be conducted by a provider not accredited or otherwise approved by the board shall apply for approval to the board at least 60 days in advance of the commencement of the activity. The board shall approve or deny the application in writing within 21 days of receipt of the application. Application for prior approval of a continuing education activity shall include the following fee and information:

1. Application fee of \$100.
2. School, firm, organization or person conducting the program.
3. Location of the program.
4. Title of activity and description of program.
5. Credit hours requested for approval.
6. Date of program.
7. Principal instructor(s).

193F—6.10(272C,543D) Certificate holder requests for postapproval of continuing education programs. A certificate holder seeking credit for attendance and participation in a program which was not conducted by an approved provider or otherwise approved by the board shall submit to the board a request for credit for the program. Within 30 days after receipt of the request, the board shall advise the certificate holder in writing whether the program is approved and the number of hours allowed therefor. A certificate holder not complying with the requirement of this rule may be denied credit for the program. Application for postapproval of a continuing education program shall include the following fee and information:

1. Application fee of \$100.
2. School, firm, organization or person conducting the program.
3. Location of the program.
4. Title of program and description of program.
5. Credit hours requested for approval.
6. Dates of program.
7. Principal instructor(s).
8. Verification of attendance.

193F—6.11(272C,543D) Review of provider or program. The board on its own motion or upon receipt of a complaint or negative evaluation may monitor or review any approved program or provider, and upon evidence of significant variation in the program presented from the program approved, a violation of board rules, or material misstatement or omission in the application form, may withdraw approval of the provider or program and disallow all or any part of the approved hours granted to the program. The provider, as a condition of approval, agrees to allow the board or its authorized representatives to monitor ongoing compliance with board rules, through means including, but not limited to, unannounced attendance at programs.

193F—6.12(272C,543D) Hearings. In the event of denial, in whole or in part, of any application for approval of a continuing education program or provider or credit for a continuing education program or withdrawal of approval of a continuing education program or provider, the applicant, provider or licensee shall have the right, within 20 days after the sending of the notification of the denial or withdrawal by ordinary mail, to request, in writing, a hearing which shall be held within 60 days after receipt of the written request for hearing. The hearing shall be conducted by the board, a panel of the board, or a qualified administrative law judge designated by the board. If the hearing is conducted by a panel of the board or an administrative law judge, a transcript of the hearing shall be presented to the board with the proposed decision. The decision of the board, or the decision of the panel of the board or an administrative law judge after adoption or amendment by the board, shall be final.

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